

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN M. FARRELL,

Petitioner,

-against-

9:10-CV-0434 (LEK/ATB)

THEODORE A. INSERRA,
Superintendent,

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on April 21, 2011, by the Honorable Andrew T. Baxter, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 16).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1(c). No objections have been raised in the allotted time with respect to Magistrate Judge Baxter's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 16) is **APPROVED** and
ADOPTED in its **ENTIRETY**; and it is further

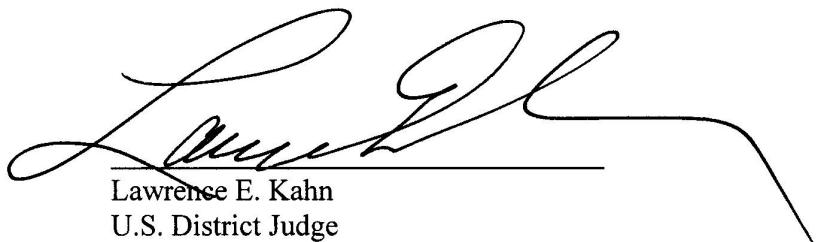
ORDERED, that Farrell's Petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED, that a certificate of appealability is **DENIED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: May 16, 2011
Albany, NY



Lawrence E. Kahn
U.S. District Judge